

Appl. No. 10/665,795
Reply to Final Office Action of September 12, 2006
Docket No.: 003.0090 (GP-303326)

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REMARKS

In response to the above-identified Final Office Action, Applicant requests reconsideration in view of the following remarks. In this Response, Applicant has not amended, canceled, or added any claims. Accordingly, claims 1-18 remain pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 4-5, and 7-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,519,889 issued to Hipp ("*Hipp*"). Applicant respectfully traverses the rejection.

To anticipate a claim, the cited reference must teach each and every element of the rejected claim (see MPEP § 2131). Among other elements, claim 1 defines "a method for suppressing interference in a motor vehicle radio from the operating frequency or the harmonics of the operating frequency of a source of time varying signal in response to tuning the radio to a selected frequency, the method comprising the steps of communicating the selected frequency to the source of time varying signal" (emphasis added). Applicant respectfully submits *Hipp* fails to teach at least these elements of independent claim 1.

In making the rejection, the Patent Office characterizes *Hipp* as showing "a method for suppressing interference in a motor vehicle radio (14) from the operating frequency or the harmonics of the operating frequency of a source of time varying signal (20) in response to tuning the radio to a selected frequency (col. 2, lines 6-14), the method comprising the steps of: communicating the selected frequency (selected AM reception) with the source of time varying signal (20) (col. 2, lines 6-14)" (Paper No./Mail Date 20060830, page 2). Moreover, in responding to Applicant's Response to Office Action mailed on June 20, 2006, the Patent Office alleges *Hipp* discloses that "the controller and the precision timer 38 changes the operating frequency at a variable pulse width based on the feedback of the voltage output and is therefore not predetermined, and it changes the frequency in order to prevent interference with reception of AM radio signal in the nearby radio receiver" (Paper No./Mail Date 20060830, page 11, citing *Hipp* Col. 2, lines 27-38; Col. 1, lines 40-42; and Col. 3, lines 1-18). Applicant respectfully disagrees with the Patent Office's characterization of the teachings of *Hipp*.

The disclosure in *Hipp* "relates generally to a switch mode power supply and more

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specifically to preventing the RF noise generated from a switch mode power supply from interfering with the reception of a radio signal in a nearby radio receiver" (Col. 1, lines 9-13). *Hipp* discloses that "when an AM signal is modulated, an information signal within 20 Hz of the center frequency will be demodulated (by the radio) into a range below the audible range of the human ear" (Col. 3, lines 6-8). Furthermore, *Hipp* notes that previous designs includes an RC circuit which is unable to produce a signal accurate enough to maintain the output signal within 20 Hz of the center frequency (see *Hipp*, Col. 3, lines 8-13 and FIG. 3B). As such, *Hipp* provides a power supply that includes a crystal which is capable of accurately being controlled so that the output signal (and its harmonics) of the power supply is within 20 Hz of the center frequency and harmonics (see *Hipp*, Col. 3, lines 13-18 and FIG. 3C). Therefore, Applicant submits that *Hipp* discloses a device which outputs a signal (including its harmonics) having a predetermined frequency within 20 Hz of a desired center frequency.

Furthermore, Applicant submits that *Hipp* utilizes the feedback loop to maintain the output frequencies within the 20 Hz of the center frequency (see *Hipp*, Col. 2, lines 50-59), which is not the same as "communicating the selected frequency to the source of time varying signal," as alleged by the Patent Office. In other words, the radio in *Hipp* does not communicate its selected frequency to the power supply because there is no need to have such communication between the radio and the power supply because the power supply in *Hipp* is configured to output a signal within 20 Hz of the center frequency.

In addition, Applicant directs the Patent Office's attention to FIG. 1 in *Hipp*, which clearly shows that the power supply (reference numeral 20) is coupled to the instrument cluster (reference numeral 12), and that each of these work independently of the radio (reference numeral 14) (i.e., neither is coupled to the radio). Furthermore, FIG. 2 of *Hipp* does not indicate that the power supply includes any circuitry that could be interpreted as being capable of receiving a signal from the radio. Moreover, in reviewing *Hipp* in its entirety Applicant is unable to discern any sections where *Hipp* discloses that a specific, selected frequency is communicated from the radio to the power supply, and the power supply adjusts its operating frequency in response to receiving such communication as defined in claim 1.

Therefore, for at least the above reasons Applicant submits that *Hipp* fails to disclose each

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and every element of claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 1.

Claims 4-5 and 7-8 either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, Applicant submits claims 4-5 and 7-8 are not anticipated by *Hipp* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 4-5 and 7-8.

II. Claims Rejected Under 35 U.S.C. § 103

A. *Hipp* in view of *Shimodaira*

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Hipp* in view of U.S. Patent Application Publication No. 2003/0036415 filed by Shimodaira et al. ("*Shimodaira*"). Applicant respectfully traverses the rejection.

To render a claim obvious, the cited references must teach or suggest all of the elements of the rejected claim (see MPEP § 2143). Claims 2 and 3 either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, Applicant submits that the discussion above regarding *Hipp* failing to teach at least the elements of "a method for suppressing interference in a motor vehicle radio from the operating frequency or the harmonics of the operating frequency of a source of time varying signal in response to tuning the radio to a selected frequency, the method comprising the steps of communicating the selected frequency to the source of time varying signal," as recited in claim 1, is equally applicable to claims 2 and 3 by reason of their dependence. Thus, *Hipp* fails to teach or suggest all of the elements of claims 2 and 3. The Patent Office relies on the disclosure in *Shimodaira* to cure the defects of *Hipp*, however, Applicant submits *Shimodaira* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Shimodaira* as showing "a method for suppressing interference in a motor vehicle radio from the operating frequency or the harmonics of the operating frequency of a source of time varying signal in response to tuning the radio to a selected frequency, the method comprising the steps of communicating the selected frequency to the source of time varying signal" as included in claims 2 and 3. Moreover, Applicant has reviewed *Shimodaira* in its entirety and cannot discern any sections of *Shimodaira* disclosing such elements.

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Therefore, *Shimodaira* fails to cure the defects of *Hipp*.

The failure of the combination of *Hipp* and *Shimodaira* to teach or suggest all of the elements of claims 2 and 3 is fatal to the obviousness rejection. Therefore, claims 2 and 3 are not obvious over *Hipp* in view of *Shimodaira*. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2 and 3.

B. *Hipp* in view of *Shimodaira* and *Ogawa*

Claims 10-13 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Hipp* in view of *Shimodaira* and further in view of U.S. Patent No. 6,147,938 issued to Ogawa et al. ("*Ogawa*"). Applicant respectfully traverses the rejection.

Among other elements, independent claim 10 defines "a method for suppressing interference in a motor vehicle AM radio ...the method operative in response to tuning the AM radio to a selected frequency comprising the steps of: sending a message from the AM radio to each of the electronic control units in each of the plurality of electronic modules communicating the selected frequency" similar to claim 1 discussed above. Therefore, Applicant submits the discussion above regarding *Hipp* and *Shimodaira* failing to teach or suggest that the operating frequency of a source of time varying signal responds to a selected frequency of a radio as recited in claims 2 and 3 is equally applicable to similar elements recited in claim 10. Therefore, Applicant submits the combination of *Hipp* and *Shimodaira* fails to teach or suggest all of the elements of claim 10. The Patent Office relies on the disclosure in *Ogawa* to cure the defects of *Hipp* and *Shimodaira*, however, Applicant submits *Ogawa* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Ogawa* as showing "a method for suppressing interference in a motor vehicle AM radio ...the method operative in response to tuning the AM radio to a selected frequency comprising the steps of: sending a message from the AM radio to each of the electronic control units in each of the plurality of electronic modules communicating the selected frequency" as recited in claim 10. Moreover, Applicant has reviewed *Ogawa* in its entirety and cannot discern any sections of *Ogawa* disclosing such elements. Therefore, *Ogawa* fails to cure the defects of *Hipp* and *Shimodaira*.

The failure of the combination of *Hipp*, *Shimodaira*, and *Ogawa* to teach or suggest all of the

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elements of claim 10 is fatal to the obviousness rejection. Therefore, claim 10 is not obvious over *Hipp* in view of *Shimodaira* and in further view of *Ogawa*. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 10.

Claims 11-13 and 16 depend from claim 10 and include all of the elements thereof. Therefore, Applicant submits claims 11-13 and 16 are not obvious over *Hipp* in view of *Shimodaira* and in further view of *Ogawa* for at least the same reasons as claim 10, in addition to their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 11-13 and 16.

Referring to the rejection of independent claim 17, claim 17 includes the elements of "a method for suppressing interference in a motor vehicle AM radio ...the method operative in response to tuning the AM radio to a selected frequency comprising the steps of: sending a message from the AM radio to each of the electronic control units in each of the plurality of electronic modules communicating the selected frequency" similar to claim 10 discussed above. Therefore, Applicant submits the discussion above regarding the combination of *Hipp*, *Shimodaira*, and *Ogawa* failing to teach or suggest that the operating frequency of a source of time varying signal responds to a selected frequency of a radio as recited in claim 10 is equally applicable to similar elements recited in claim 17. Therefore, Applicant submits the combination of *Hipp*, *Shimodaira* and *Ogawa* fails to teach or suggest all of the elements of claim 17.

The failure of the combination of *Hipp*, *Shimodaira*, and *Ogawa* to teach or suggest all of the elements of claim 17 is fatal to the obviousness rejection. Therefore, claim 17 is not obvious over *Hipp* in view of *Shimodaira* and in further view of *Ogawa*. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 17.

Claim 18 depends from claim 17 and includes all of the elements thereof. Therefore, Applicant submits claim 18 is not obvious over *Hipp* in view of *Shimodaira* and in further view of *Ogawa* for at least the same reasons as claim 17, in addition to its own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 18.

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III. Allowable Subject Matter

Applicant notes with appreciation the Patent Office's indication that claims 6, 9, and 14 would be allowable if rewritten in independent form and including all limitations of the base claim and any intervening claims. However, in view of the discussion above, Applicant believes that claims 6, 9, and 14 are in condition for allowance as they currently stand.

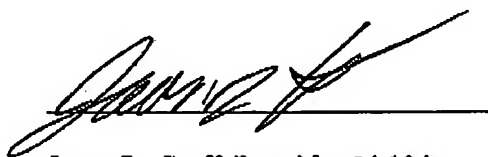
CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date 10/25/06



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